

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAUREEN HARRINGTON, as personal
representative for the estate of
BLAINEHARRINGTON III,

Plaintiff,

-against-

KAUSHAN MEDIA CORPORATION d/b/a
ALLWOMENSTALK.COM,

Defendant.

23-CV-03213 (JGLC) (VF)

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

JESSICA G. L. CLARKE, United States District Judge:

This motion for default judgment was referred to Magistrate Judge Figueredo for a Report and Recommendation. *See* ECF No. 17. On November 21, 2023, after careful consideration, Judge Figueredo issued the Report and Recommendation, proposing that the Court enter a default judgment against Defendant and award Plaintiff \$13,500 in statutory damages and \$3,527.87 in attorneys' fees and costs, as well as pre-judgment interest at the rate set forth in 28 U.S.C. § 1961. *See* ECF No. 18 at 17.

In reviewing a Report and Recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). A district court “must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3); *see also United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). To accept those portions of the report to which no timely objection has been made, however, a district court need only satisfy itself that there is no clear error on the face of the record. *See, e.g., Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003). This clearly erroneous standard also applies when a party

makes only conclusory or general objections, or simply reiterates his original arguments. *See, e.g., Ortiz v. Barkley*, 558 F. Supp. 2d 444, 451 (S.D.N.Y. 2008).

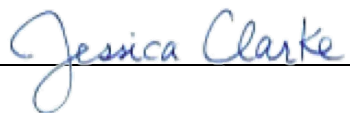
In the present case, the Report and Recommendation advised Defendant that it had fourteen days from service of the Report and Recommendation to file any objections, and warned that failure to timely file such objections would result in waiver of any right to object. *See* ECF No. 18. In addition, the Report and Recommendation expressly called Defendant's attention to Rule 72 of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). Nevertheless, as of the date of this Order, no objections have been filed and no request for an extension of time to object has been made. Accordingly, Defendant has waived the right to object to the Report and Recommendation or to obtain appellate review. *See Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992); *see also Caidor v. Onondaga County*, 517 F.3d 601 (2d Cir. 2008).

Despite the waiver, the Court has reviewed the petition and the Report and Recommendation, unguided by objections, and finds the Report and Recommendation to be well reasoned and grounded in fact and law. Accordingly, the Report and Recommendation is ADOPTED in its entirety.

The Clerk of Court is directed to terminate ECF No. 12 and enter judgment consistent with this order and the Report and Recommendation.

SO ORDERED.

Dated: December 22, 2023
New York, New York



JESSICA G. L. CLARKE
United States District Judge